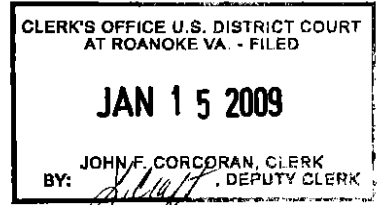


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



TERRY J. MOORE,

Plaintiff,

v.

CORRECTIONS OFFICER J. MILLER,
ET AL.,

Defendants.

)
)
)
) Case No. 7:08CV00614
)
)

) FINAL ORDER
)

) By: Glen E. Conrad
) United States District Judge
)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that this civil rights action, pursuant to 42 U.S.C. § 1983, is hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1); plaintiff's pending motion for production of documents (Dkt. No. 11) is **DISMISSED** as moot,⁵ and the action is **STRICKEN** from the active docket of the court. Plaintiff is hereby notified that dismissal of this action will count as a "strike" against him, pursuant to 28 U.S.C. § 1915(g) and may prevent him from filing future civil actions in federal court without prepayment of the \$350.00 filing fee.

ENTER: This 15th day of January, 2009.

[Signature: Glen E. Conrad]

United States District Judge

⁵ Plaintiff's motion for production is also premature, as no defendants have yet been served in this action. Moreover, plaintiff is not entitled to production of documents in support of claims on which he fails to allege sufficient supportive facts after being directed by the court to do so.